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C O N F I D E N T I A L SECTION 01 OF 03 TAIPEI 004103

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SUBJECT: POLITICS TAR CONTROL YUAN NOMINATIONS

Classified By: AIT Director Douglas Paal, Reason: 1.4 (B/D)

1. (C) Summary: The Presidential Office submitted on December 20 its list of 29 Control Yuan nominees for Legislative Yuan approval. Pan-Blue legislators, as well as some ruling DPP legislators, immediately dismissed the nominees as unqualified and vowed to resist the Presidential Office's attempts to secure the nominees' confirmation. Pan-Green officials insist the Pan-Blue's opposition to the nomination list is politically motivated. The reflexive opposition of the Pan-Blue to the Control Yuan nominations and the unwillingness of President Chen to compromise are further evidence that the post-December 11 election promises of inter-party cooperation are becoming history and gridlock has returned to Taiwan's legislative process. End Summary.

A Beautiful List?

2. (C) On December 20, the Presidential Office submitted to the Legislative Yuan (LY) for approval a list of 29 nominees for the Control Yuan, an oversight body that has the power to audit, censure, and impeach government officials at all levels. Presidential Office Secretary General Su Tseng-chang insisted the list was "a very beautiful list," explaining that President Chen had carefully selected the 29 nominees from a list of 53 candidates recommended by a task force chaired by Vice President Annette Lu. Other members of the task force included Secretary General Su and Taiwan High Speed Rail Chair Nita Ing. The current Control Yuan members will conclude their six-year tenure on January 31. All 29 nominees of the new body must be confirmed by the LY before they can assume office at the beginning of February 2005. (Note: Although the ROC Constitution stipulates 29 Control Yuan members, there are currently only 24. Originally appointed to the Control Yuan in 1999, Kang Ning-hsiang and Chang Fu-mei gave up their seats in 2001 in order to serve as NSC Secretary General and Overseas Chinese Affairs Commissioner, respectively. In 1999 the National Assembly rejected one of former President Lee Teng-hui's nominees, Chang Jin-chen. Two other Control Yuan members have since died. The President has the power to appoint new nominees in the interim years to fill the vacancies, however the LY failed to confirm candidates nominated in June 2001 and May 2002. End Note)

Some Think Not

3. (C) Many legislators from all parties quickly lined up to criticize the list, however, questioning the qualifications of the nominees, accusing Chen Shui-bian and Annette Lu of using the nomination process as political patronage, and, on the Pan-Blue side, complaining that they had not been consulted on the nominations. Critics pointed out that three of the nominees -- Tsai Ming-hua, Hung Gui-sen, and Yu Mei-nu -- are legal advisers to Vice President Lu. Some also charged that many of the nominees have close links to business groups undertaking public construction projects, and criticized President Chen for not renominating incumbent Control Yuan members who are currently investigating allegations relating to Chen's family, the Lafayette frigate scandal, and the Taiwan High Speed Rail project.

4. (C) Perhaps the most controversial nominee is the nominee for Control Yuan President -- Clement Chang (Chien-pang), a KMT member who is currently a Senior Advisor in the Office of the President. Chang was forced to resign as Transportation and Communications Minister in 1991 after coming under attack by then-Legislator Chen Shui-bian for his alleged involvement in the Hualong Group stock speculation scandal. KMT LY Caucus Whip Huang Teh-fu attacked the nominations of Chang and Michael Hsiao, the nominee for Control Yuan Vice President, for generally supporting whatever party was in power. Hsiao is currently a National Policy Advisor and an Academia Sinica Fellow.

5. (C) Attempts by the ruling party to counter opposition to the list of nominees have proved futile. Local media reported that a December 21 cross-party meeting of legislative leaders lasted less than five minutes after KMT Legislator Tseng Yung-chuan left the meeting in protest when DPP negotiators refused to discuss the March 19 Truth Investigation Commission Law. A second negotiation meeting

on December 24 also ended without resolution. The DPP leadership also failed to quell opposition within its own ranks. Three DPP legislators have publicly criticized the list of nominees as unqualified. DPP Legislators Shen Fu-hsiung, Tuan Yi-kang, and Chou Ching-yu, all of whom failed to win reelection, said at the December 21 party caucus meeting that they would resign ahead of the confirmation vote if their party decided to take disciplinary action against those members who did not conform to the party line.

Politics at Play

16. (C) Objections to the Control Yuan nomination list appear to have a heavily political basis. Pan-Blue legislators have not clearly explained why they believe the nominees are unqualified. Six (seven, if Chang Fu-mei is counted) of the 29 nominees are incumbent Control Yuan members. A comparison of the qualifications of the incumbent members and current nominees shows that both groups contain roughly similar numbers of academics, civic group leaders, legal experts, and former government officials from the Executive, Judicial, and Legislative branch. Nevertheless, PFP Legislator Lee Ching-hua told AIT that the list was "unsatisfactory," and that there was no room for compromise because it was Chen Shui-bian's responsibility to nominate and the LY's responsibility to reject those candidates it found unqualified. PFP Legislator and Spokesman Hwang Yih-jiau told AIT that President Chen has no sense of responsibility and had merely selected his own cronies. Chen, he said, had nothing to lose by nominating his political allies, but by doing so Chen was inviting a fight with the Pan-Blue.

17. (C) Hwang Yih-jiau's legislative aide later admitted to AIT that the Pan-Blue does not oppose everyone on the list, and that the Opposition is blocking the nominations largely because Chen Shui-bian did not consult the LY prior to releasing the list. Lee Chuan-chao, a KMT Legislator and Central Standing Committee (CSC) member, told AIT that he personally would not have challenged the nominations and did not believe that the opposition parties had the right to demand that they be consulted in forming the list of nominees. However, Lee explained, the KMT leadership had decided to either oppose the current list or demand that President Chen consult the Pan-Blue before submitting any other names.

18. (C) Some objections to the nomination list are based on KMT suspicion of collusion between Chen Shui-bian and "Lee Teng-hui sympathizers" still in the KMT. For example, newly elected LY member and son of KMT Vice Chairman Wu Poh-hsiung, John Wu (Chih-yang), told AIT that Chen had worked out a deal with independent Legislator Lu Shin-ming for Lu not to stand for reelection in exchange for a Control Yuan seat. (Note: Lu was a KMT member, but the party revoked his membership for not voting along party lines. Endnote). Other Pan-Blue officials suggested that Chen made a similar arrangement with eight-term KMT Legislator Hung Chao-nan. Wang Jin-pyng, who recently has gone out of his way demonstrating loyalty to Party Chairman Lien Chan, told AIT "any KMT member who cooperates with Chen Shui-bian is a traitor."

Pan-Green Refutes Allegations

19. (C) The Presidential Office has sought to counter opposition to the nominees. On December 23 President Chen publicly defended his Control Yuan choices, argued that past attempts at cross-party negotiations on Control Yuan nominees have resulted in failure, and vowed not to revise his list of nominees. On December 25, Presidential Secretary General Su Tseng-chang reaffirmed President Chen's commitment to the

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current list. DPP Deputy Secretary General Lee Ying-yuan told AIT on December 28 that Pan-Blue opposition is entirely political. He insisted that KMT is being disruptive in part because KMT Chairman Lien Chan personally dislikes Chang Chien-pang. After a moment, Lee added, "actually, it is because Lien dislikes Chen Shui-bian." Lee stated that legislative approval of the nomination list and reviewing the qualifications of nominees are two entirely different matters. The LY, he explained, has the responsibility to review the list, confirm those nominees it deems qualified, and reject those nominees it deems unqualified; however, he argued, the LY is acting unconstitutionally if it refuses to act on the list at all and forces the President to resubmit an entire list.

110. (C) Senior Presidential Advisor Wu Li-pei told AIT on December 28 that many of the Pan-Blue's allegations are simply untrue. He argued that High Speed Rail Chair Nita Ing, who has been accused of a conflict of interest, was only one of five members on the selection task force and did not have final say on nominees. In any case, he continued,

Control Yuan incumbents Huang Huang-hsiung and Lee Shen-yi, who are investigating the Taiwan High Speed Rail, were renominated. Referring to allegations that incumbents investigating Chen's family had been excluded from renomination, Wu pointed out that the Control Yuan, in fact, is not empowered to investigate family members of public officials. Wu told AIT that by nominating Chang Chien-pang for Control Yuan President, Chen Shui-bian had been trying to reach out to the KMT and had been shocked when the KMT disavowed Chang as a member. TSU-affiliated Taiwan Advocates Policy Director Chow Mei-li told AIT that the Pan-Blue is flexing its muscles after winning a narrow majority in the December 11 LY election. She said the political climate would continue to be contentious for a while.

11. (C) Commenting on the DPP Legislators who criticized the Control Yuan nominations, Lee Ying-yuan told AIT that these particular LY members simply opposed "out of habit." Shen Fu-hsiung, he added, "is very intelligent but he has zero E.Q." (emotional quotient, i.e. interpersonal skills). Taiwan Advocate Policy Director Chow Mei-li said that until the new cabinet is appointed and the new LY session begins, many DPP and TSU members will grandstand in order to leverage their position and maximize their influence.

Comment: Return to Gridlock

12. (C) The negative response of the Pan-Blue to the Presidential Office's Control Yuan nominees and President Chen's subsequent digging in his heels indicate the LY election night promises of cross-party cooperation are fast evaporating. Pan-Green officials may be not be far off the mark when they insist Pan-Blue opposition is politically motivated. Since winning the LY majority, Pan-Blue has been demanding the right to be consulted for all presidential appointments, including that of Premier. Much of the Pan-Blue impulse is driven by rage over successive failures to void the presidential election and a hope to find leverage to renew its investigation. Moreover, political appointments will always be controversial, but President Chen might have served his own purposes better had he paid heed to the tradition of consulting the LY on Control Yuan appointments and to his own promise of more cross-party gestures.

PAAL